

17569 U.S. PTO  
09/24/03

UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

PHOTP003

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Xuefeng Cheng, entitled ABSOLUTE OXYGEN SATURATION FOR MONITORING TISSUE VIABILITY, for a(n):

(X) Original Patent Application.

( ) Continuing Application (prior application not abandoned):

( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. \_\_\_\_\_, filed \_\_\_\_\_.

(X) Please insert (or replace the previous claim of priority) after the title of the application

"This is a continuation-in-part of U.S. Application No. 10.427,686, filed May 1, 2003, which is a continuation of U.S. Application No. 09/664,972, filed September 18, 2000, now U.S. Patent No. 6,597,931, which are both hereby incorporated by reference for all purposes. This application claims priority to provisional U.S. Application No. 60/414,005, filed September 25, 2002, which is hereby incorporated by reference for all purposes."

(X) This application claims the benefit of U.S. Provisional Application  
No. 60/414,005, filed September 25, 2002.

Enclosed are:

- (X) Specification; 16 Total Pages. (X) Drawing(s); 10 Total Sheets.  
( ) Oath or Declaration:  
( ) A Newly Executed Combined Declaration and Power of Attorney:  
( ) Signed. ( ) Unsigned. ( ) Partially Signed.  
( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).  
( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).  
( ) Power of Attorney. (X) Return Receipt Postcard.  
( ) Associate Power of Attorney. ( ) A Check in the amount of \$ \_\_\_\_\_ for the Filing Fee.  
( ) Preliminary Amendment. ( ) Information Disclosure Statement and Form PTO-1449.  
( ) A Duplicate Copy of this Form for Processing Fee Against Deposit Account.  
( ) A Certified Copy of Priority Documents (if foreign priority is claimed).  
( ) Statement(s) of Status as a Small Entity.  
( ) Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.  
(X) Other: Application Data Sheet

PLEASE DO NOT CHARGE THE FILING FEE AT THIS TIME.

Respectfully submitted,

By: Michael J. Ritter, Reg. No. 36,653

Date: September 24, 2003

Correspondence Address:

Customer No. 26541  
RITTER, LANG & KAPLAN, LLP  
12930 Saratoga Ave., Suite D1  
Saratoga, CA 95070  
Phone: 408-446-8690  
Fax: 408-446-8691

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By: Jack Limper  
Typed Name: Jack Limper

Express Mail Label No.: EV338318366US  
Date of Deposit: September 24, 2003

22368 U.S. PTO  
10/66988  
09/24/03